

AMENDED IN ASSEMBLY MAY 2, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 438

Introduced by Assembly Member Price

February 16, 2007

An act to amend Sections 52055.5, 52055.51, 52055.55, and 52055.650 of the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 438, as amended, Price. Schools: accountability.

(1) The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure performance of schools. Existing law requires the Superintendent to develop, and the ~~State Board~~ *state board* to adopt, expected annual percentage growth targets for all schools based on their API baseline score and prescribes a minimum percentage growth target of 5% annually.

The Public Schools Accountability Act of 1999 establishes the Immediate Intervention/Underperforming Schools Program (IIUSP). Schools that score below the 50th percentile on certain achievement tests are invited to participate in the program and are provided program funding. Twenty-four months after receiving IIUSP funding, a school that fails to meet its growth targets each year, but demonstrates significant growth, as determined by the ~~State Board~~ *state board*, continues to participate in the program for an additional year and to receive funding. If a school fails to meet its growth targets each year

and does not demonstrate significant growth, it is deemed a state-monitored school and the Superintendent is required to take specified actions with regard to the school.

This bill would require the determination regarding meeting growth targets for purposes of the IIUSP to be averaged over the first 2 full years of funding.

(2) Existing law requires a school that fails to meet its growth targets within 36 months of receiving IIUSP funding, but shows significant growth, to continue to be monitored by the Superintendent until it meets its annual growth target or the statewide performance target.

This bill would instead require a school that fails to meet or exceed its growth targets averaged within 36 months of receiving funding, but shows significant growth in 2 reporting cycles of the API to no longer be deemed a state-monitored school and to exit the IIUSP.

(2)

(3) Existing law authorizes the Superintendent to require the school district that is deemed to be a state-monitored school, under the IIUSP, to enter into a contract with a school assistance and intervention team instead of imposing other statutory sanctions on the school.

This bill would prohibit the Superintendent from requiring a school that has exited the IIUSP to contract with a school assistance and intervention team, even if the school again becomes a state-monitored school.

(3)

(4) Existing law provides that 36 months after the Superintendent assigns a management team, trustee, or school assistance and intervention team to a schoolsite under the IIUSP, the school exits the program if it makes significant growth on the API in 2 consecutive years.

This bill would change the requirement for exiting the program to significant growth on the API demonstrated in 2 years, rather than 2 consecutive years.

(4)

(5) Existing law establishes the High Priority Schools Grant Program under which funds are made available to eligible low-performing schools for implementation of a school action plan that includes specified components. A school that achieves positive growth in each year of the last 3 years of program implementation and achieves growth targets in 2 of those years exits the program.

This bill would also allow a school to exit the program if it meets or exceeds its API growth target as averaged over the first 3 full years of funding.

(6) Existing law requires a school participating in the High Priority Schools Grant Program that does not meet its growth targets 36 months after funding, but shows significant growth, to continue to be monitored by the Superintendent.

This bill would require that monitoring if the school does not meet the exit criteria rather than the growth targets.

(7) Existing law requires a school participating in the High Priority Schools Grant Program that does not meet its growth targets 36 months after funding, and fails to show significant growth, to be deemed a state-monitored school. As a consequence, either the school is required to enter into a contract with a school assistance and intervention team or the Superintendent is required to assume all the legal rights, duties, and powers of the governing board with respect to the school.

This bill would make these sanctions applicable to a school that does not meet its exit criteria 36 months after funding and fails to show significant growth.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52055.5 of the Education Code is
2 amended to read:
3 52055.5. (a) Twenty-four months after receipt of funding
4 pursuant to Section 52054.5, a school that has not met or exceeded
5 its growth targets as averaged over the first two full years of
6 funding, but demonstrates significant growth, as determined by
7 ~~the State Board~~ *state board*, shall continue to participate in the
8 program for an additional year and to receive funding in the amount
9 specified in Section 52054.5. Thirty-six months after receipt of
10 funds pursuant to Section 52054.5, a school is no longer eligible
11 to receive funding pursuant to that section.
12 (b) Twenty-four months after receipt of funding pursuant to
13 Section 52054.5, a school that has not met or exceeded its growth
14 targets as averaged over the first two full years of funding and has
15 failed to show significant growth, as determined by ~~the State Board~~
16 *state board*, shall be deemed a state-monitored school.

(1) The ~~State Board~~ *state board* shall make its final determination regarding whether or not a school shows significant growth no later than 30 days after the public release of a school's growth in API results or the next regularly scheduled meeting of the ~~State Board~~ *state board* following the expiration of the 30 days if meeting the 30-day time limit would not provide the ~~State Board~~ *state board* with sufficient time to comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Division 3 of Title 2 of the Government Code).

(2) Notwithstanding any other provision of law, within 90 days after the public release of a state-monitored school's growth in API results, the Superintendent, in consultation with the ~~State Board~~ *state board*, shall do the following:

(A) Assume all the legal rights, duties, and powers of the governing board with respect to that school, subject to of paragraphs (1) and (7) of subdivision (e) and except as provided by Section 52055.51.

(B) Reassign the principal of that school, subject to the findings in subdivision (g).

(3) In addition to the actions specified in paragraph (2), the Superintendent, after consultation with the ~~State Board~~ *state board*, shall do one or more of the following with respect to a state-monitored school:

(A) Revise attendance options for pupils to allow them to attend a public school in which space is available. If additional attendance options are made available, nothing in this option shall be construed to require either the sending or receiving school district to incur additional transportation costs.

(B) Allow parents to apply directly to the ~~State Board~~ *state board* for the establishment of a charter school and allow parents to establish the charter school at the existing schoolsite.

(C) Under the supervision of the Superintendent, assign the management of the school to a college, university, county office of education, or other appropriate educational institution, excluding for-profit organizations. The entity chosen to assume management of the school shall possess the qualifications specified in subdivision (b) of Section 52055.51. Consistent with paragraph (6) of subdivision (e), the involvement of the school district during the sanctions process shall be established by contract. The costs of the entity to manage the school shall be established by contract

1 and shall be paid by the school district. However, the
2 Superintendent may not assume the management of the school.

3 (D) Reassign other certificated employees of the school.

4 (E) Renegotiate a new collective bargaining agreement at the
5 expiration of the existing collective bargaining agreement, pursuant
6 to Section 3543.2 of the Government Code.

7 (F) Reorganize the school.

8 (G) Close the school.

9 (H) (i) Place a trustee at the school, for a period not to exceed
10 three years, who shall monitor and review the operation of the
11 school. The trustee shall possess the qualifications specified in
12 subdivision (b) of Section 52055.51, shall compile an initial report
13 in accordance with the requirements of subdivision (d) of Section
14 52055.51, and shall receive reports from the school district and
15 schoolsite no less than three times during the year on the progress
16 towards meeting the goals established in the initial report. During
17 the period of his or her service, the trustee may stay or rescind
18 those actions of the governing board of the school district or
19 schoolsite principal that, in the judgment of the trustee,
20 detrimentally may affect the conditions of the state-monitored
21 school to which the trustee is assigned. The salary and benefits of
22 the trustee shall be established by the Superintendent, in
23 consultation with the ~~State Board~~ *state board*, and shall be paid
24 by the school district.

25 (ii) For purposes of this section, in order to facilitate the
26 appointment of the trustee and the employment of necessary staff,
27 the Superintendent is exempt from the requirements of Article 6
28 (commencing with Section 999) of Chapter 6 of Division 4 of the
29 Military and Veterans Code and Part 2 (commencing with Section
30 10100) of the Public Contract Code.

31 (iii) Notwithstanding any other provision of law, if the
32 Superintendent appoints an employee of the department to act as
33 trustee pursuant to this section, the salary and benefits of that
34 employee shall be established by the Superintendent and paid by
35 the school district. During the time of appointment, the employee
36 is an employee of the school district, but shall remain in the same
37 retirement system and under the same plan as if the employee had
38 remained in the department. Upon the expiration or termination
39 of the appointment, the employee shall have the right to return to
40 his or her former position, or to a position at substantially the same

1 level as that position, with the department. The time served in the
2 appointment shall be counted for all purposes as if the employee
3 had served that time in his or her former position with the
4 department.

5 (c) When a school is deemed to be a state-monitored school,
6 the governing board of the school district, at a regularly scheduled
7 public meeting, shall inform the parents and guardians of pupils
8 enrolled at the schoolsite that the school is a state-monitored school
9 and that as a result of this determination the corrective actions set
10 forth in subdivision (b) may occur.

11 (d) In addition to the actions taken pursuant to subdivision (b),
12 the governing board of the school district and the district
13 superintendent shall be included in discussions regarding the
14 governance of the state-monitored schoolsite and the actions that
15 shall be taken in order for the schoolsite to succeed. During the
16 discussions, the participants clearly shall delineate the role that
17 the governing board of the school district and the district
18 superintendent will play during the sanctions period and shall
19 report this delineation to the Superintendent. The role to be played
20 by the governing board of the school district and the district
21 superintendent as delineated during the discussions regarding the
22 governance of the state-monitored schoolsite shall be in addition
23 to those actions set forth in subdivision (e).

24 (e) After a school is deemed to be a state-monitored school
25 pursuant to subdivision (b), the governing board of the school
26 district shall do all of the following:

27 (1) (A) Make the same fiscal, human, and educational resources,
28 at a minimum, available to the schoolsite as were available before
29 the action taken pursuant to subdivision (b) excluding state or
30 federal funding provided pursuant to Sections 52054.5 and
31 52055.600. If the total amount of resources available to the school
32 district differs from one year to another, it shall make the same
33 proportion of resources available to the schoolsite as was available
34 before the action taken pursuant to subdivision (b).

35 (B) The entity selected to manage a school pursuant to
36 subparagraph (C) of paragraph (3) of subdivision (b) shall review
37 the resources allocated to the schoolsite and determine if additional
38 resources should be made available from district funds to
39 reasonably support the schoolsite without detriment to the other
40 schools and pupils of the district.

1 (C) If the school does not have a management team pursuant to
2 subparagraph (C) of paragraph (3) of subdivision (b), the
3 Superintendent, in consultation with the ~~State Board~~ *state board*,
4 shall designate an entity to review the resources allocated to the
5 schoolsite and determine if additional resources should be made
6 available from district funds to reasonably support the schoolsite
7 without detriment to the other schools and pupils of the district.

8 (D) If the entity selected to manage a school pursuant to
9 subparagraph (C) of paragraph (3) of subdivision (b) or the entity
10 chosen by the Superintendent pursuant to subparagraph (C) of
11 paragraph (1) is unable to obtain the information necessary to make
12 this determination, the entity may request that the Superintendent
13 and ~~State Board~~ *state board* intervene to obtain the necessary
14 documents.

15 (E) Any dispute between the entity selected to manage a school
16 pursuant to subparagraph (C) of paragraph (3) of subdivision (b)
17 or the entity chosen by the Superintendent pursuant to subparagraph
18 (C) of paragraph (1) and the school district over resource
19 allocations shall be resolved by the Superintendent, in consultation
20 with the ~~State Board~~ *state board*.

21 (2) Continue its current ownership status with respect to the
22 schoolsite.

23 (3) Continue to provide the same insurance coverage as before
24 the action taken pursuant to subdivision (b) with respect to
25 property, liability, error and omissions, and other regularly
26 provided policies.

27 (4) Name the Superintendent and the department as additional
28 insureds upon transfer of legal rights, duties, and responsibilities
29 to the Superintendent.

30 (5) Continue to provide facilities support, including maintenance
31 if appropriate to the management arrangement, and full schoolsite
32 participation in bond financing.

33 (6) Remain involved with the school throughout the sanction
34 period.

35 (7) If the ~~State Board~~ *state board* approves, the governing board
36 of the school district may retain its legal rights, duties, and
37 responsibilities with respect to that school.

38 (f) In addition to the actions listed in subdivision (b), the
39 Superintendent, in consultation with the ~~State Board~~ *state board*,
40 may take any other action considered necessary or desirable against

1 the school district or the school district governing board, including
2 appointment of a new superintendent or suspension of the authority
3 of the governing board with respect to the school or schools
4 identified pursuant to subdivision (b).

5 (g) (1) Before the Superintendent may take an action against a
6 principal pursuant to subdivision (b), the Superintendent or a
7 designee of the Superintendent, which may be a panel consisting
8 of the county superintendent of schools of the county in which the
9 school is located or an adjoining county, one principal with
10 experience in a similar type of school, and the superintendent of
11 the school district in which the state-monitored school is located,
12 shall do the following:

13 (A) Hold an informal hearing to determine whether there are
14 sufficient issues to proceed to a formal hearing. The informal
15 hearing shall be held in a closed session. The principal, and his or
16 her representative, and a school district representative may be
17 present at the informal hearing. The decision on whether to proceed
18 to a formal hearing shall be posted and presented at a regularly
19 scheduled public meeting of the governing board of the school
20 district. If the decision is not to proceed to a formal hearing, the
21 posting and presentation shall explain the rationale for this decision.
22 This item may not be a consent item on the agenda.

23 (B) Hold a formal hearing on the matter in the school district
24 and make both of the following findings:

25 (i) A finding that the principal had the authority to take specific
26 enumerated actions that would have helped the school meet its
27 performance goals.

28 (ii) A finding that the principal failed to take specific enumerated
29 actions pursuant to paragraph (1).

30 (2) Evidence to support the findings made at a formal hearing
31 held pursuant to subparagraph (B) of paragraph (1) shall be
32 presented and discussed in a closed session. The principal, or his
33 or her representative, and a school district representative may be
34 present in the closed session. The findings shall be posted and
35 presented at a regularly scheduled public meeting of the governing
36 board of the school district. This item shall not be a consent item
37 on the agenda. The governing board shall give adequate time for
38 public input and response to findings.

1 (3) The Superintendent shall not take an action against a
2 principal pursuant to subdivision (b) if the principal is assigned to
3 the school for one academic year or less.

4 (h) A school that has not met or exceeded its growth targets
5 averaged within 36 months of receiving funding pursuant to Section
6 52054.5, but has shown significant growth in two reporting cycles
7 of the API shall exit the program. If, in any year between the third
8 year of implementation funding and the first year the school meets
9 its growth target, the school fails to make significant growth, as
10 determined by the ~~State Board~~ *state board*, that school shall be
11 deemed a state-monitored school and subject to paragraphs (1) to
12 (10), inclusive, of subdivision (b).

13 (i) An action taken pursuant to subdivision (b), (c), (d), (e), or
14 (f) shall be conducted from funds provided for that purpose in the
15 annual Budget Act and shall not require reimbursement by the
16 Commission on State Mandates.

17 (j) An action taken pursuant to subdivision (b), (e), or (f) shall
18 be accompanied by specific findings by the Superintendent and
19 the ~~State Board~~ *state board* that the action is directly related to the
20 identified causes for continued failure by a school to meet its
21 performance goals. These findings shall be made public and
22 discussed at a regularly scheduled meeting of the governing board
23 of the school district before the enactment of an action taken
24 pursuant to subdivision (b), (c), or (d).

25 (k) *It is the intent of the Legislature that a school continue to*
26 *demonstrate comparable improvement in academic achievement,*
27 *as measured by the API, by all numerically significant pupil*
28 *subgroups at the school, as defined in paragraph (2) of subdivision*
29 *(a) of Section 52052, when participating in the program established*
30 *by this article.*

31 SEC. 2. Section 52055.51 of the Education Code is amended
32 to read:

33 52055.51. (a) (1) Instead of the actions specified in
34 subdivision (b) of Section 52055.5, and notwithstanding any other
35 law, the Superintendent, with the approval of the ~~State Board~~ *state*
36 *board*, may require the school district to enter into a contract with
37 a school assistance and intervention team no later than 30 days
38 after the public release of the school's growth in API results or the
39 next regularly scheduled meeting of the ~~State Board~~ *state board*
40 following the expiration of the 30 days if meeting the 30-day time

1 limit would not provide the ~~State Board~~ *state board* with sufficient
2 time to comply with the requirements of the Bagley-Keene Open
3 Meeting Act (Article 9 (commencing with Section 11120) of
4 Chapter 1 of Division 3 of Title 2 of the Government Code). If the
5 ~~State Board~~ *state board* approves, the governing board of the
6 school district may retain its legal rights, duties, and responsibilities
7 with respect to that school.

8 (2) Notwithstanding paragraph (1), the Superintendent shall not
9 require a school that has exited the program established pursuant
10 to this article to contract with a school assistance and intervention
11 team, even if the school again becomes a state-monitored school.
12 Instead, the Superintendent shall choose a sanction provided in
13 subdivision (b) of Section ~~52055.5~~ 52055.55 for a school that has
14 exited the program established pursuant to this article but once
15 again becomes a state-monitored school.

16 (b) School assistance and intervention team members should
17 possess a high degree of knowledge and skills in the areas of school
18 leadership, curriculum, and instruction aligned to state academic
19 content and performance standards, classroom management and
20 discipline, academic assessment, parent-school relations, and
21 evaluation- and research-based reform strategies and have proven
22 successful expertise specific to the challenges inherent in
23 state-monitored schools.

24 (c) The Superintendent, once every two years, shall establish a
25 list of approved school assistance and intervention teams with
26 which a school district may contract. The list shall be based on
27 criteria recommended by the Superintendent and adopted by the
28 ~~State Board~~ *state board*. After the two-year approval period
29 expires, a team may reapply for approval by demonstrating the
30 effectiveness of the work of the team in state-monitored schools.

31 (d) A school assistance and intervention team shall provide
32 intensive support and expertise to implement the school reform
33 initiatives in the plan. Decisions about interventions shall be data
34 driven. A school assistance and intervention team shall work with
35 school staff, site planning teams, administrators, and school district
36 staff to improve pupil literacy and achievement by assessing the
37 degree of implementation of the current action plan, refining and
38 revising the action plan, and making recommendations to maximize
39 the use of fiscal resources and personnel in achieving the goals of

1 the plan. The school district shall provide support and assistance
2 to enhance the work of the team at the targeted schoolsites.

3 (e) Not later than 60 days after the assignment of a school
4 assistance and intervention team, the team shall complete a report.
5 The report shall include recommendations for corrective actions
6 chosen from a range of interventions, including the reallocation
7 of school district fiscal resources to ensure that appropriate
8 resources are targeted to those specific interventions identified in
9 the recommendations of the team for the targeted schools and other
10 changes deemed appropriate to make progress toward meeting the
11 growth target of the school.

12 (f) Not later than 90 days after assignment of the school
13 assistance and intervention team, the governing board of the school
14 district shall adopt the initial recommendations of the team at a
15 regularly scheduled meeting of the governing board. A subsequent
16 recommendation proposed by the school assistance and intervention
17 team shall be submitted to the governing board and shall be adopted
18 by the governing board within 30 days of the submission. The
19 governing board may not place the adoption on the consent
20 calendar. A recommendation adopted by the governing board shall
21 be submitted to the Superintendent and the ~~State Board~~ *state board*.

22 (g) Following the adoption of the recommendation by the
23 governing board, the governing board may submit an appeal to
24 the Superintendent for relief from one or more of the
25 recommendations. The Superintendent, with approval of the ~~State~~
26 ~~Board~~ *state board*, may grant relief from compliance with a
27 recommendation of the school assistance and intervention team.

28 (h) If a school assistance and intervention team does not fulfill
29 its legal obligations under this section, the governing board of the
30 school district may seek permission from the Superintendent, with
31 the approval of the ~~State Board~~ *state board*, to contract with a
32 different school assistance and intervention team. Upon a finding
33 that the school assistance and intervention team has not fulfilled
34 its legal obligations under this section, the Superintendent, with
35 the approval of the ~~State Board~~ *state board*, may remove the school
36 assistance and intervention team from the state list of eligible
37 providers.

38 (i) No less than three times during the year, the school district
39 and schoolsite shall present the team with data regarding progress
40 toward the goals established by the initial assessment of the team.

1 The data shall be presented to the governing board of the school
2 district at a regularly scheduled meeting. The team, to the extent
3 possible, shall utilize existing site data. The data shall also be
4 provided to the Superintendent and the ~~State Board~~ *state board*.
5 Every effort shall be made to report this data in a manner that
6 minimizes the length and complexity of the reporting requirement
7 in order to maximize the focus on improving pupil literacy and
8 achievement.

9 (j) An action taken pursuant to this section may not increase
10 local costs or require reimbursement as determined by the
11 Commission on State Mandates.

12 SEC. 3. Section 52055.55 of the Education Code is amended
13 to read:

14 52055.55. (a) Thirty-six months after the Superintendent
15 assigns a management team, trustee, or a school assistance and
16 intervention team to a schoolsite, if the school makes significant
17 growth on the Academic Performance Index (API), as determined
18 by the ~~State Board~~ *state board*, in two years, the school shall exit
19 the Immediate Intervention/Underperforming Schools Program
20 and is no longer subject to the requirements of the program.

21 (b) Thirty-six months after the Superintendent assigns a
22 management team, trustee, or a school assistance and intervention
23 team to a schoolsite, if the management team, trustee, or school
24 assistance and intervention team fails to assist the school in making
25 significant growth on the API, as determined by the ~~State Board~~
26 *state board*, the Superintendent shall remove the management
27 team, trustee, or school assistance and intervention team from
28 providing services at the schoolsite. Additionally, the
29 Superintendent shall do at least one of the following:

30 (1) Require the school district to ensure, using available federal
31 funds, that 100 percent of the teachers at the schoolsite are highly
32 qualified, as defined by the state for the purposes of the federal
33 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

34 (2) Require the school to contract, using available federal, state,
35 and local funds, with an outside entity to provide supplemental
36 instruction to high-priority pupils and assign a management team,
37 trustee, or school assistance and intervention team that has
38 demonstrated success with other state-monitored schools. During
39 the period of his or her service, the trustee may stay or rescind
40 those actions of the governing board of the school district or

1 principal that, in the judgment of the trustee, detrimentally may
2 affect the conditions of the state-monitored school to which the
3 trustee is assigned.

4 (A) For purposes of this section, in order to facilitate the
5 appointment of the trustee and the employment of any necessary
6 staff, the Superintendent is exempt from the requirements of Article
7 6 (commencing with Section 999) of Chapter 6 of Division 4 of
8 the Military and Veterans Code and Part 2 (commencing with
9 Section 10100) of the Public Contract Code.

10 (B) Notwithstanding any other provision of law, if the
11 Superintendent appoints an employee of the department to act as
12 trustee pursuant to this section, the salary and benefits of that
13 employee shall be established by the Superintendent and paid by
14 the school district. During the time of appointment, the employee
15 is an employee of the school district, but shall remain in the same
16 retirement system and under the same plan as if the employee had
17 remained in the department. Upon the expiration or termination
18 of the appointment, the employee shall have the right to return to
19 his or her former position, or to a position at substantially the same
20 level as that position, with the department. The time served in the
21 appointment shall be counted for all purposes as if the employee
22 had served that time in his or her former position with the
23 department.

24 (C) Following the assignment of a management team, trustee,
25 or school assistance and intervention team pursuant to subdivision
26 (b), if the school makes significant growth on the API, as
27 determined by the ~~State Board~~ *state board*, in two years, the school
28 shall exit the Immediate Intervention/Underperforming Schools
29 Program and is no longer subject to the requirements of the
30 program.

31 (3) Allow parents of pupils enrolled at the school to apply
32 directly to the ~~State Board~~ *state board* to establish a charter school
33 at the existing schoolsite.

34 (4) Close the school.

35 (c) *It is the intent of the Legislature that a school continue to*
36 *demonstrate comparable improvement in academic achievement,*
37 *as measured by the API, by all numerically significant pupil*
38 *subgroups at the school, as defined in paragraph (2) of subdivision*
39 *(a) of Section 52052, when participating in the program established*
40 *by this article.*

1 SEC. 4. Section 52055.650 of the Education Code is amended
2 to read:

3 52055.650. (a) Section 52055.5 does not apply to a school
4 participating in the High Priority Schools Grant Program.

5 (b) Twenty-four months after receipt of funding for
6 implementation of the action plan pursuant to Sections 52054.5
7 and 52055.600, a school that has not met its growth targets each
8 year shall be subject to review by the ~~State Board~~ *state board*. This
9 review shall include an examination of the progress of the school
10 relative to the components and reports made pursuant to Section
11 52055.640. The Superintendent, with the approval of the ~~State~~
12 ~~Board~~ *state board*, may direct that the governing board of a school
13 take appropriate action and adopt appropriate strategies to provide
14 corrective assistance to the school in order to achieve the
15 components and benchmarks established in the action plan of the
16 school.

17 (c) Thirty-six months after receipt of funding to implement a
18 school action plan, a school that has met or exceeded its growth
19 target each year shall receive a monetary or nonmonetary award,
20 under the Governor's Performance Award Program, as set forth
21 in Section 52057. Funds received pursuant to that section may be
22 used at the discretion of the school.

23 (d) Notwithstanding subdivisions (e) and (f), 36 months after
24 the receipt of funding to implement a school action plan, all schools
25 that are not subject to state monitoring are eligible for a fourth
26 year of the funding specified in Section 52055.600.

27 (e) (1) Thirty-six months after receipt of funding pursuant to
28 Section 52053 or 52055.600, and anytime thereafter, a school for
29 which the most recent base Academic Performance Index (API)
30 places the school in decile 6, 7, 8, 9, or 10 shall exit the grant
31 program.

32 (2) Thirty-six months after receipt of implementation funding
33 for the federal Comprehensive School Reform Program (20 U.S.C.
34 Sec. 6511 et seq.), and anytime thereafter, a school receiving
35 funding pursuant to Section 52053 or 52055.600 in the 2005–06
36 fiscal year for which the most recent base API places the school
37 in decile 6, 7, 8, 9, or 10 shall exit the grant program.

38 (f) (1) A school that achieves positive growth in each year of
39 the last three years of program implementation and achieves growth
40 targets in two of those years or meets or exceeds the API growth

1 target for the school averaged over the first three full years of
2 funding shall exit the grant program.

3 (2) A school that receives implementation funding for the federal
4 program beginning in the 2004–05 fiscal year and subsequently
5 receives funding pursuant to subdivision (c) of Section 52055.600
6 in the 2006–07 fiscal year shall exit the grant program if it achieves
7 positive growth in each year of the last three years of program
8 implementation and achieves growth targets in two of those years.

9 (g) For schools receiving implementation funding pursuant to
10 Section 52055.600, 36 months after receipt of initial funding for
11 either the federal program or the grant program, a school that has
12 not met the exit criteria pursuant to paragraph (1) of subdivision
13 (f) but has shown significant growth as determined by the ~~State~~
14 ~~Board~~ *state board*, shall continue to be monitored by the
15 Superintendent until it exits the grant program pursuant to
16 subdivision (e) or (f) or is deemed state monitored pursuant to
17 subdivision (h).

18 (h) Thirty-six months after receipt of initial implementation
19 funding for the grant program or the federal program, a school that
20 receives funding pursuant to Section 52055.600, does not meet
21 the exit criteria within the periods described in subdivision (c),
22 and has failed to show significant growth, as determined by the
23 ~~State Board~~ *state board*, shall be deemed a state-monitored school,
24 and, notwithstanding any other law, the Superintendent, with the
25 approval of the ~~State Board~~ *state board*, shall follow the course
26 of action prescribed by paragraph (1) or (2) with respect to that
27 school.

28 (1) Notwithstanding any other law, the Superintendent, with
29 the approval of the ~~State Board~~ *state board*, shall require the district
30 to enter into a contract with a school assistance and intervention
31 team no later than 30 days after the public release of the school's
32 growth in API results or the next regularly scheduled meeting of
33 the ~~State Board~~ *state board* following the expiration of the 30 days,
34 if meeting the 30-day time limit would not provide the ~~State Board~~
35 *state board* with sufficient time to comply with the requirements
36 of the Bagley-Keene Open Meeting Act (Article 9 (commencing
37 with Section 11120) of Chapter 1 of Division 3 of Title 2 of the
38 Government Code). With the approval of the ~~State Board~~ *state*
39 *board*, the governing board of the school district may retain its
40 legal rights, duties, and responsibilities with respect to that school.

(A) Team members should possess a high degree of knowledge and skills in the areas of school leadership, curriculum, and instruction aligned to state academic content and performance standards, classroom management and discipline, academic assessment, parent-school relations, and evaluation- and research-based reform strategies, and have proven successful expertise specific to the challenges inherent in high-priority schools.

(B) The team shall provide intensive support and expertise to implement the school reform initiatives in the plan. Decisions about interventions shall be data driven. A school assistance and intervention team shall work with school staff, site planning teams, administrators, and district staff to improve pupil literacy and achievement by assessing the degree of implementation of the current action plan, refining and revising the action plan, and making recommendations to maximize the use of fiscal resources and personnel in achieving the goals of the plan. The district shall provide support and assistance to enhance the work of the team at the targeted schoolsites.

(C) (i) Not later than 60 days after the assignment of the school assistance and intervention team, the team shall complete an initial report. The report shall include recommendations for corrective actions chosen from a range of interventions, including the reallocation of school district fiscal resources to ensure that appropriate resources are targeted to those specific interventions identified in the recommendations of the team for the targeted schools and other changes deemed appropriate to make progress toward meeting the school's growth target.

(ii) Not later than 90 days after the assignment of the school assistance and intervention team, the governing board of the school district shall adopt the recommendations of the team at a regularly scheduled meeting of the governing board. Any subsequent recommendations proposed by the school assistance and intervention team shall be submitted to the governing board and shall be adopted by the governing board within 30 days of the submission. The governing board shall not place the adoption on the consent calendar.

(iii) The report shall be submitted to the Superintendent and the ~~State Board~~ *state board*.

1 (D) Following the adoption of the recommendations by the
2 governing board, the governing board may submit an appeal to
3 the Superintendent for relief from one or more of the
4 recommendations. The Superintendent, with approval of the ~~State~~
5 ~~Board~~ *state board*, may grant relief from compliance with any of
6 the school assistance and intervention team recommendations.

7 (E) If a school assistance and intervention team does not fulfill
8 its legal obligations under this section or Section 52055.51, the
9 governing board of the school district may seek permission from
10 the Superintendent, with the approval of the ~~State Board~~ *state*
11 *board*, to contract with a different school assistance and
12 intervention team. Upon finding that the school assistance and
13 intervention team has not fulfilled its legal obligations under this
14 section, the Superintendent, with the approval of the ~~State Board~~
15 *state board*, may remove the school assistance and intervention
16 team from the state list of eligible providers.

17 (F) A school assistance and intervention team assigned to a
18 school pursuant to Section 52055.51 or this section may seek
19 permission from the Superintendent, with the approval of the ~~State~~
20 ~~Board~~ *state board*, to terminate its contract with a state-monitored
21 school if the school is failing to implement the recommendations
22 listed in the report of findings and corrective actions. The
23 Superintendent, with approval of the ~~State Board~~ *state board*, may
24 grant permission to the school assistance and intervention team to
25 terminate its contract with the state-monitored school if the
26 Superintendent determines that the school is not implementing the
27 identified corrective actions.

28 (G) No less than three times during the year, the school district
29 and schoolsite shall present the team with data regarding progress
30 toward the goals established by the initial assessment of the team.
31 The data shall be presented to the governing board of the school
32 district at a regularly scheduled meeting. The team, to the extent
33 possible, shall utilize existing site data. The data also shall be
34 provided to the Superintendent and the ~~State Board~~ *state board*.
35 Every effort shall be made to report this data in a manner that
36 minimizes the length and complexity of the reporting requirement
37 in order to maximize the focus on improving pupil literacy and
38 achievement.

(H) An action taken pursuant to this paragraph shall not increase local costs or require reimbursement by the Commission on State Mandates.

(2) The Superintendent shall assume all the legal rights, duties, and powers of the governing board with respect to the school. The Superintendent, in consultation with the ~~State Board~~ *state board* and the governing board of the school district, shall reassign the principal of that school subject to the findings in paragraph (2) of subdivision (q). In addition to reassigning the principal, the Superintendent, in consultation with the ~~State Board~~ *state board*, and notwithstanding any other provision of law, shall do at least one of the following:

(A) Revise attendance options for pupils to allow them to attend a public school in which space is available. If an additional attendance option is made available, this option shall not require either the sending or receiving school district to incur additional transportation costs.

(B) Allow parents or guardians to apply directly to the ~~State Board~~ *state board* for the establishment of a charter school and allow parents or guardians to establish the charter school at the existing schoolsite.

(C) Under the supervision of the Superintendent, assign the management of the school to a college, university, county office of education, or other appropriate educational institution. The entity chosen to assume management of the school shall possess the qualifications specified in subparagraph (A) of paragraph (1). The involvement of the school district during the sanctions process shall be established by contract. The costs of the entity to manage the school shall be established by contract and shall be paid by the school district. However, the Superintendent shall not assume the management of the school.

(D) Reassign other certificated employees of the school.

(E) Renegotiate a new collective bargaining agreement at the expiration of the existing collective bargaining agreement.

(F) Reorganize the school.

(G) Close the school.

(H) Place a trustee at the school, for a period not to exceed three years, who shall monitor and review the operation of the school. The trustee shall possess the qualifications specified in subparagraph (A) of paragraph (1), shall compile an initial report

1 in accordance with the requirements of subparagraph (C) of
2 paragraph (1), and shall receive reports from the school district
3 and schoolsite no less than three times during the year on the
4 progress towards meeting the goals established in the initial report.
5 During the period of his or her service, the trustee may stay or
6 rescind those actions of the governing board of the school district
7 or schoolsite principal that, in the judgment of the trustee,
8 detrimentally may affect the conditions of the state-monitored
9 school to which the trustee is assigned. The salary and benefits of
10 the trustee shall be established by the Superintendent, in
11 consultation with the ~~State Board~~ *state board*, and shall be paid
12 by the school district.

13 (I) For purposes of this section, in order to facilitate the
14 appointment of the trustee and the employment of necessary staff,
15 the Superintendent is exempt from the requirements of Article 6
16 (commencing with Section 999) of Chapter 6 of Division 4 of the
17 Military and Veterans Code and Part 2 (commencing with Section
18 10100) of the Public Contract Code.

19 (J) Notwithstanding any other provision of law, if the
20 Superintendent appoints an employee of the department to act as
21 trustee pursuant to this section, the salary and benefits of that
22 employee shall be established by the Superintendent and paid by
23 the school district. During the time of appointment, the employee
24 is an employee of the school district, but shall remain in the same
25 retirement system and under the same plan as if the employee had
26 remained in the department. Upon the expiration or termination
27 of the appointment, the employee shall have the right to return to
28 his or her former position, or to a position at substantially the same
29 level as that position, with the department. The time served in the
30 appointment shall be counted for all purposes as if the employee
31 had served that time in his or her former position with the
32 department.

33 (i) When a school is deemed to be a state-monitored school, the
34 governing board of the school district, at a regularly scheduled
35 public meeting, shall inform the parents and guardians of pupils
36 enrolled at the schoolsite that the school is a state-monitored school
37 and that as a result of this determination the corrective actions set
38 forth in subdivision (h) may occur.

39 (j) In addition to the actions taken pursuant to subdivision (h),
40 the governing board of the school district and the district

1 superintendent shall be included in discussions regarding the
2 governance of the state-monitored schoolsite and the actions that
3 shall be taken in order for the schoolsite to succeed. During the
4 discussions, the participants shall delineate clearly the role that
5 the governing board of the school district and the district
6 superintendent will play during the sanctions period and shall
7 report this delineation to the Superintendent. The role to be played
8 by the governing board of the school district and the district
9 superintendent as delineated during the discussions regarding the
10 governance of the state-monitored schoolsite shall be in addition
11 to those actions set forth in subdivision (h).

12 (k) After a school is deemed to be a state-monitored school
13 pursuant to subdivision (h), the governing board of the school
14 district shall do all of the following:

15 (1) Make the same fiscal, human, and educational resources, at
16 a minimum, available to the schoolsite as were available before
17 the action taken pursuant to subdivision (h), excluding state or
18 federal funding provided pursuant to Sections 52054.5 and
19 52055.600. If the total amount of resources available to the school
20 district differs from one year to another, it shall make the same
21 proportion of resources available to the schoolsite as was available
22 before the action taken pursuant to subdivision (h).

23 (A) The entity selected to manage a school pursuant to
24 subparagraph (C) of paragraph (2) of subdivision (h) shall review
25 the resources allocated to the schoolsite and determine if additional
26 resources should be made available from district funds to
27 reasonably support the schoolsite without detriment to the other
28 schools and pupils of the district.

29 (B) If the school does not have a management team pursuant to
30 subparagraph (C) of paragraph (2) of subdivision (h), the
31 Superintendent, in consultation with the ~~State Board~~ *state board*,
32 shall designate an entity to review the resources allocated to the
33 schoolsite and determine if additional resources should be made
34 available from district funds to reasonably support the schoolsite
35 without detriment to the other schools and pupils of the district.

36 (C) If the entity selected to manage a school pursuant to
37 subparagraph (C) or (H) of paragraph (2) of subdivision (h) or the
38 entity chosen by the Superintendent pursuant to paragraph (1) of
39 subdivision (h) is unable to obtain the information necessary to
40 make this determination, the entity may request that the

1 Superintendent and ~~State Board~~ *state board* intervene to obtain
2 the necessary documents.

3 (D) Any dispute between the entity selected to manage a school
4 pursuant to subparagraph (C) or (H) of paragraph (2) of subdivision
5 (h) or the entity chosen by the Superintendent pursuant to paragraph
6 (1) of subdivision (h) and the school district over resource
7 allocations shall be resolved by the Superintendent, in consultation
8 with the ~~State Board~~ *state board*.

9 (2) Continue its current ownership status with respect to the
10 schoolsite.

11 (3) Continue to provide the same insurance coverage as before
12 the action taken pursuant to subdivision (b) with respect to
13 property, liability, errors and omissions, and other regularly
14 provided policies.

15 (4) Name the Superintendent and the department as additional
16 insureds upon transfer of legal rights, duties, and responsibilities
17 to the Superintendent.

18 (5) Continue to provide facilities support, including
19 maintenance, if appropriate to the management arrangement, and
20 full schoolsite participation in bond financing.

21 (6) Remain involved with the school throughout the sanctions
22 period.

23 (l) If the ~~State Board~~ *state board* approves, the governing board
24 of the school district may retain its legal rights, duties, and
25 responsibilities with respect to that school.

26 (m) A school deemed state monitored pursuant to subdivision
27 (h) that achieves significant growth, as determined by the ~~State~~
28 ~~Board~~ *state board*, after it has undergone state monitoring for two
29 consecutive API reporting cycles shall exit state monitoring, as
30 defined in subdivision (g). A school shall exit the program if it
31 meets the requirements specified in subdivision (e) or (f).

32 (n) Thirty-six months after the Superintendent assigns a
33 management team, trustee, or a school assistance and intervention
34 team to a schoolsite, if the management team, trustee, or school
35 assistance and intervention team fails to assist the school in making
36 significant growth on the API, as determined by the ~~State Board~~
37 *state board*, the Superintendent shall remove the management
38 team, trustee, or school assistance and intervention team from
39 providing services at the schoolsite. Additionally, the
40 Superintendent shall do at least one of the following:

1 (1) Require the school district to ensure, using available federal
2 funds, that 100 percent of the teachers at the schoolsite are highly
3 qualified, as defined by the state for the purposes of the federal
4 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

5 (2) (A) Require the school district to contract, using available
6 federal, state, and local funds, with an outside entity to provide
7 supplemental instruction to high-priority pupils and assign a
8 management team, trustee, or school assistance and intervention
9 team that has demonstrated success with other state-monitored
10 schools. During the period of his or her service, the trustee may
11 stay or rescind those actions of the governing board of the school
12 district or principal that, in the judgment of the trustee,
13 detrimentally may affect the conditions of the state-monitored
14 school to which the trustee is assigned.

15 (B) For purposes of this section, in order to facilitate the
16 appointment of the trustee and the employment of necessary staff,
17 the Superintendent is exempt from the requirements of Article 6
18 (commencing with Section 999) of Chapter 6 of Division 4 of the
19 Military and Veterans Code and Part 2 (commencing with Section
20 10100) of the Public Contract Code.

21 (C) Notwithstanding any other provision of law, if the
22 Superintendent appoints an employee of the department to act as
23 trustee pursuant to this section, the salary and benefits of that
24 employee shall be established by the Superintendent and paid by
25 the school district. During the time of appointment, the employee
26 is an employee of the school district, but shall remain in the same
27 retirement system and under the same plan as if the employee had
28 remained in the department. Upon the expiration or termination
29 of the appointment, the employee shall have the right to return to
30 his or her former position, or to a position at substantially the same
31 level as that position, with the department. The time served in the
32 appointment shall be counted for all purposes as if the employee
33 had served that time in his or her former position with the
34 department.

35 (D) Following the assignment of a management team, trustee,
36 or school assistance and intervention team pursuant to this
37 subdivision, if the school makes significant growth on the API, as
38 determined by the ~~State Board~~ *state board*, in two API reporting
39 cycles, the school shall exit the Immediate

1 Intervention/Underperforming Schools Program and is no longer
2 subject to the requirements of the program.

3 (3) Allow parents of pupils enrolled at the school to apply
4 directly to the ~~State Board~~ *state board* to establish a charter school
5 at the existing schoolsite.

6 (4) Close the school.

7 (o) If a school assistance and intervention team does not fulfill
8 its legal obligations under this section, the governing board of the
9 school district may seek permission from the Superintendent, with
10 the approval of the ~~State Board~~ *state board*, to contract with a
11 different school assistance and intervention team. Upon a finding
12 that the school assistance and intervention team has not fulfilled
13 its legal obligations under this section, the Superintendent, with
14 the approval of the ~~State Board~~ *state board*, may remove the school
15 assistance and intervention team from the state list of eligible
16 providers.

17 (p) In addition to the actions listed in subdivision (h), the
18 Superintendent, in consultation with the ~~State Board~~ *state board*,
19 may take any other action considered necessary or desirable against
20 the school district or the school district governing board, including
21 appointment of a new superintendent or suspension of the authority
22 of the governing board with respect to a school that does not meet
23 its growth targets within the periods described in subdivision (c),
24 and has failed to show significant growth, as determined by the
25 ~~State Board~~ *state board*.

26 (q) Before the Superintendent may take an action against a
27 principal pursuant to subdivision (h), the Superintendent or a
28 designee of the Superintendent, which may be a panel consisting
29 of the county superintendent of schools of the county in which the
30 school is located or an adjoining county, one principal with
31 experience in a similar type of school, and the superintendent of
32 the school district in which the state-monitored school is located,
33 shall do the following:

34 (1) Hold an informal hearing to determine whether there are
35 sufficient issues to proceed to a formal hearing. The informal
36 hearing shall be held in a closed session. The principal, and his or
37 her representative, and a school district representative may be
38 present at the informal hearing. The decision on whether to proceed
39 to a formal hearing shall be posted and presented at a regularly
40 scheduled public meeting of the governing board of the school

1 district. If the decision is not to proceed to a formal hearing, the
2 posting and presentation shall explain the rationale for this decision.
3 This item shall not be a consent item on the agenda.

4 (2) Hold a formal hearing on the matter in the school district.
5 Evidence to support the findings made at the formal hearing shall
6 be presented and discussed in a closed session. The principal, or
7 his or her representative, and a school district representative may
8 be present in the closed session. The findings shall be posted and
9 presented at a regularly scheduled public meeting of the governing
10 board of the school district. This item shall not be a consent item
11 on the agenda. The governing board shall give adequate time for
12 public input and response to findings. The purpose of the hearing
13 shall be to make both of the following findings:

14 (A) Whether the principal had the authority to take specific
15 enumerated actions that would have helped the school meet its
16 performance goals.

17 (B) Whether the principal failed to take specific enumerated
18 actions pursuant to subparagraph (A).

19 (r) An action taken pursuant to subdivision (h), (i), (j), or (k)
20 shall not increase local costs or require reimbursement by the
21 Commission on State Mandates.

22 (s) An action taken pursuant to subdivision (h), (i), (j), or (k)
23 shall be accompanied by specific findings by the Superintendent
24 and the ~~State Board~~ *state board* that the action is directly related
25 to the identified causes for continued failure by a school to meet
26 its performance goals.

27 (t) (1) Notwithstanding subdivision (a), a school participating
28 in the grant program that received a planning grant pursuant to
29 subdivision (f) of Section 52053 in the 1999–2000 fiscal year is
30 eligible to receive funding pursuant to Section 52055.600 in the
31 2002–03 fiscal year only.

32 (2) Notwithstanding subdivision (a), a school participating in
33 the grant program that received a planning grant pursuant to
34 subdivision (l) of Section 52053 in the 2000–01 fiscal year is
35 eligible to receive funding pursuant to Section 52055.600 in the
36 2002–03 and 2003–04 fiscal years only.

37 (3) Notwithstanding subdivision (a), a school participating in
38 the grant program that received a planning grant pursuant to
39 subdivision (l) of Section 52053 in the 2001–02 fiscal year is

1 eligible to receive funding pursuant to Section 52055.600 in only
2 the 2002–03, 2003–04, and 2004–05 fiscal years.

3 (u) Notwithstanding the growth target timelines set forth in
4 subdivisions (b), (c), (e), and (f), a school that receives funds
5 pursuant to Section 52055.600 during the 2002–03 or 2003–04
6 fiscal year shall meet the growth target specified in subdivision
7 (b) no later than December 31, 2004, and the growth target
8 specified in subdivisions (c), (e), and (f) no later than December
9 31, 2005.

10 (v) Notwithstanding the growth target timelines set forth in
11 subdivisions (b), (c), (e), and (f), a school that receives funds
12 pursuant to Section 52055.600 during the 2005–06 or 2006–07
13 fiscal year shall meet the exit criteria specified in subdivision (b)
14 no later than December 31, 2009, and the growth target specified
15 in subdivisions (c), (e), and (f) no later than December 31, 2010.

16 (w) Thirty-six months after allocating funding under subdivision
17 (d) of Section 52055.600, the Superintendent shall provide the
18 ~~State Board~~ *state board* and the Legislature with recommendations
19 regarding necessary modifications of the Education Code and
20 procedures specific to the programs funded under subdivision (d)
21 of Section 52055.600.

22 (x) *It is the intent of the Legislature that a school continue to*
23 *demonstrate comparable improvement in academic achievement,*
24 *as measured by the API, by all numerically significant pupil*
25 *subgroups at the school, as defined in paragraph (2) of subdivision*
26 *(a) of Section 52052, when participating in the program established*
27 *by this article.*

28
29
30 **CORRECTIONS:** _____

31 **Text—Pages 10 and 15.** _____
32

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